

ENTERED

May 08, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**JOSE CARLOS AGUILAR,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.§
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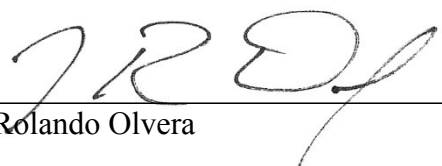
Civil Action No. 1:19-cv-00191

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the "Report and Recommendation of the Magistrate Judge" ("R&R") (Docket No. 10). The R&R recommends the following: (1) deny Jose Carlos Aguilar's ("Petitioner") "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" ("Motion") (Docket No. 1); (2) grant the Government's combined "Response to Motion for Relief under 28 U.S.C. § 2255 and Motion to Dismiss" ("MTD") (Docket No. 9); (3) direct the Clerk of Court to close this case; and (4) decline to issue a certificate of appealability. Docket No. 16.

The Clerk of the Court sent the R&R via certified mail to the Petitioner March 5, 2020. Docket No. 11. The certified mail was returned as undeliverable March 16, 2020. Docket No. 13. The Clerk of Court then re-sent the R&R via regular mail. Neither party has filed objections. Without objections to the magistrate's ruling, the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Thus, Petitioner's Motion (Docket No. 1) is **DENIED**, and the Government's MTD (Docket No. 9) is **GRANTED**. The Court declines to issue a certificate of appealability. The Clerk of the Court is ordered to close the case.

Signed on this **8th** day of **May**, 2020.

 Rolando Olvera

United States District Judge